



10/25/04

gw RCE/H

DOCKET NO.: PHOE-0060

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Mike A. Clark, et al.

Application No.: 09/775,693

Confirmation No.: 9010

Filing Date: February 2, 2001

Group Art Unit: 1642

For: Methods For Predicting Sensitivity Of Tumors To Arginine Deprivation

**EXPRESS MAIL LABEL NO: EL970387626US
DATE OF DEPOSIT: October 22, 2004**

EL970387626US

Mail Stop AF Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL PURSUANT
TO 37 CFR § 1.114**

(Note - RCE practice is not available to United States applications with a filing date prior to June 8, 1995 or United States National Phase Applications where entry into the national phase is from an International Application filed prior to June 8, 1995. However, if a Continued Prosecution Application was filed after June 8, 1995 in one of the above-identified applications, RCE practice would then be permitted on that application)

This is a Request for Continued Examination (RCE) under 37 CFR § 1.114 of the above-identified application.

1. Submission required under 37 CFR § 1.114

Previously submitted

Consider the reply under 37 CFR § 1.116 previously filed on March 16, 2004. (Any unentered amendment(s) referred to above will be entered).

Consider the arguments in the Appeal Brief or Reply Brief previously filed on .

Other: .

Enclosed

Supplemental Reply under 37 CFR § 1.116

Affidavit(s)/Declaration(s)

Information Disclosure Statement (IDS)

Other:

2. Miscellaneous

Suspension of action on the above-identified application is requested under 37 CFR §1.103(c) for a period of months. (Period of suspension shall not exceed three (3) months; Fee under 37 CFR §1.17(i) required)

FEE CALCULATION:

				SMALL ENTITY		NOT SMALL ENTITY	
<input checked="" type="checkbox"/> RCE BASIC FILING FEE				\$395.00	\$395.00	\$790.00	\$
	CLAIMS REMAINING AFTER RCE	HIGHEST NO. PAID FOR	EXTRA				
TOTAL CLAIMS	11	(20 MINIMUM) 32	0	\$9 EACH	\$0	\$18 EACH	\$
INDEP. CLAIMS	1	(3 MINIMUM) 3	0	\$44 EACH	\$0	\$88 EACH	\$
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$150	\$	\$300	\$
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$	\$110	\$
<input checked="" type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$215	\$215	\$430	\$
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$490	\$	\$980	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$765	\$	\$1530	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME <small>(May only be taken when filing RCE in lieu of Appeal Brief)</small>				\$1040	\$	\$2080	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$)	minus	(\$)
<input type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$	\$110	\$
TOTAL FEE DUE					\$610.00		

A check in the amount of \$610.00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.

Please charge Deposit Account No. 23-3050 in the amount of \$ ____ .00. This sheet is attached in duplicate.

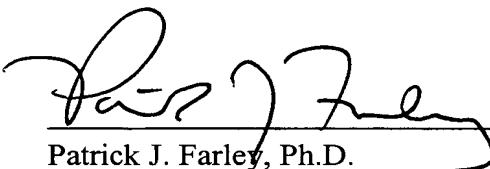
A response to the dated was due on . Petition is hereby made under 37 CFR § 1.136(a) to extend the time period for response from

to and through comprising an extension of the shortened statutory period of month(s).

- A Notice of Appeal was filed June 22, 2004. An Appeal Brief is due on August 22, 2004. Applicants are filing this Request for Continued Examination in lieu of this Appeal Brief. Petition is hereby made to extend the time period from August 22, 2004 to and through October 22, 2004 comprising a total extension of two (2) month(s).
- The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account No. 23-3050. This sheet is provided in duplicate.
- The Commission is hereby authorized to charge payment of the above fees associated with this communication or credit any overpayment to Deposit Account No. 23-3050. This sheet is attached in duplicate.

SHOULD ANY DEFICIENCIES APPEAR with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: October 22, 2004



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